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Attorneys for Entity Defendants and Blair McNea

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

REVMOUNTAIN, LLC, *et al.*,

Defendants.

Case No. 17-cv-02000-APG-GWF

**CORPORATE DEFENDANTS
AND DEFENDANT BLAIR MCNEA'S
MOTION FOR EXTENSION OF
TIME TO RESPOND TO
RULE 33 AND 34 DISCOVERY**

Defendant Blair McNea and Corporate Defendants (collectively the “**Defendants**”), through their undersigned counsel, hereby by file this Motion for Extension of Deadline to Respond to Rule 33 and 34 Discovery. As grounds therefore, the Defendants state as follows:

CERTIFICATE OF CONFERRAL

Defendants counsel conferred in good faith with FTC counsel regarding the relief requested here. The FTC has not yet indicated whether they oppose or support the requested relief stated here.

REQUEST FOR EXTENSION OF TIME

On November 3, 2017, the FTC served on Defendants over 3500 discovery requests. The sets of Requests for Production of Documents and Interrogatories are identical for each of the Corporate Defendants. The deadline to respond to these Requests for Production of Documents and Interrogatories, pursuant to Federal Rules of Civil Procedure 26, 33, and 34, is today, December 4, 2017. Defendants filed a Motion to Stay discovery on November 9, 2017. Briefing on this Motion is complete, however, the motion remains pending. There is a hearing on this motion set for December 8, 2017 at 2:30pm in front of Magistrate Judge George Foley, Jr.

Furthermore, on October 6, 2017, the Court granted in part Corporate Defendants’ Motion for Limited Modification of Asset Freeze for Funds to Pay Attorney’s Fees. The Court granted a modest one-time distribution of \$50,000 to Corporate Defendants’ counsel. The Court also noted that the Corporate Defendants could seek further distributions for attorney’s fees.

In light of the pending motion to stay, the Defendants request that the Court extend the deadline to respond to the discovery requests by 30 days to January 3, 2018. A proposed order granting the requested extension of time is included with this Motion. In addition, in light of the continuing asset freeze, the Corporate Defendants do not have sufficient funds to properly respond to these requests. Therefore, the Corporate Defendants and Defendant Blair McNea are preparing to file a combined motion for limited modification of the asset freeze for additional funds to pay attorneys fees and for additional living expenses. An extension of the discovery deadline will allow the Defendants to prepare and file that motion.

WHEREFORE, for the reasons stated above, the Defendants respectfully request an

1 extension up to and including January 3, 2018 to respond to the FTC's Rule 33 and 34
2 Interrogatories and Requests for Production of Documents.

3 Respectfully submitted this 4th day of December, 2017.

4
5 /s/Eric W. Swanis

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/s/Giovanni M. Ruscitti

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14 /s/Claude C. Wild III

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CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of December, 2017, a true and correct copy of the foregoing Motion for Extension of Time was filed and served via the United States District Court's ECF System to the persons listed below and served via UPS as indicated below:

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An employee of Greenberg Traurig, LLP

Exhibit 1

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FEDERAL TRADE COMMISSION,)
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REVMOUNTAIN, LLC, *et al.*,)
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Defendants.)

Case No. 2:17-cv-02000-APG-GWF

**ORDER GRANTING CORPORATE
DEFENDANTS' AND DEFENDANT
BLAIR MCNEA'S MOTION FOR
EXTENSION OF TIME TO RESPOND
TO RULE 33 AND 34 DISCOVERY**

THIS MATTER come before the Court on Corporate Defendants' and Defendant Blair McNea's Motion for Extension of Time to Respond to Rule 33 and 34 Discovery.

1 The Court, having considered the Motion, Orders:

- 2 1. Corporate Defendants and Defendant Blair McNea shall file its response to FTC's Rule
3 33 and 34 Interrogatories and Request for Production of Documents in this case on or
4 before January 3, 2018.

5 DATED this ____ day of December, 2017.

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7
8 ANDREW P. GORDON
9 UNITED STATES DISTRICT JUDGE
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